

SENATE BILL NO. 476

INTRODUCED BY J. O'NEIL

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON DOES NOT ENGAGE IN THE PRACTICE OF LAW BY PREPARING WRITTEN SEPARATION AGREEMENTS OR FAMILY LAW MEDIATION AGREEMENTS; AND AMENDING SECTION 37-61-201, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-61-201, MCA, is amended to read:

"37-61-201. Who considered to be practicing law. (1) Any A person who shall hold himself out or advertise purports to be or advertises as an attorney or counselor at law or who shall appear in any appears in a court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any question of law or fact by a court or who shall engage engages in the business and duties and perform such performs acts, matters, and things as are usually done or performed by an attorney at law in the practice of his an attorney's profession for the purposes of parts 1 through 3 of this chapter shall be deemed practicing engages in the practice of law.

(2) A person does not engage in the practice of law by preparing:

(a) a written separation agreement for the purposes of 40-4-201 that contains provisions for disposition of any property owned by parties to a marriage, maintenance of either of them, and support, parenting, and parental contact with their children; or

(b) a family law mediation agreement for the purposes of 40-4-305."

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